IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

WP(C).No. 19814 of 2007(H)

PETITIONER:

MADHUSOODANAN K.,
MADHU BHAVANAM, KADAVOOR, PERINAD P.O.,
KOLLAM-691 601.

BY ADV. SRI.P.SIVARAJ

RESPONDENTS:

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1. THE MANAGING DIRECTOR,
KERALA STATE BEVERAGES (MANUFACTURING AND MARKETING) CORPORATION LTD., P.B.NO.2263,
SASTHAKRIPA OFFICE COMPLEX, SASTHAMANGALAM,
THIRUVANANTHAPURAM-695 010.

2. THE MANAGER,
WAREHOUSE (KERALA STATE BEVERAGES (MFG. & MKTG.) CORPORATION LTD.), PATHANAMTHITTA.

BY ADV. K.P. DANDAPANI, SR.) SC
ADV.MILLU DANDAPANI)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) No.19814 of 2007-H

Dated this the 28th day of June, 2007.

J U D G M E N T

The petitioner is an abkari worker under the Kerala State Beverages (Manufacturing and Marketing) Corporation Ltd. He has been placed under suspension by Ext.P1 order dated 20-6-2007. The inspection wing sent a customer to purchase some liquor from the depot, where the petitioner is working. The petitioner has committed serious irregularities in showing the quantum of liquor and price, while billing. Based on that allegation, he has been placed under suspension. It was held that he has done these irregularities deliberately, to make unlawful financial gain. The petitioner's trade union has filed Ext.P2 representation, praying that the suspension may be withdrawn and he may be pardoned and reinstated in service. This writ petition is filed, seeking to quash Ext.P1 and also to direct the first respondent to dispose of Ext.P2 or in the alternative to direct the first respondent to complete the disciplinary proceedings within a time frame.

2. Going by the allegations in Ext.P1, I find nothing illegal with the suspension order. Whether those allegations are correct or not, is a matter to be decided in the enquiry. So, the challenge against Ext.P1 fails. The second prayer to complete the enquiry within a time frame also cannot be considered, now. The said prayer is premature. The petitioner has been

suspended only on 20-6-2007. It cannot be accused that there is inordinate delay from the part of the first respondent to complete the disciplinary proceedings against him. In the absence of failure of duty, this Court is not justified in issuing a mandamus to complete the enquiry.

Accordingly, the writ petition fails, and it is dismissed.

K.BALAKRISHNAN NAIR,
JUDGE.

MS